

# **EXHIBIT 7**

TO: Antony L. Sanacory

CC: Apostolidis, Peter

SENT: Friday, September 3, 2021 6:47:36 PM Eastern Daylight Time

SUBJECT: RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

=====

CAUTION: External email.

Tony:

I can do Tuesday at 12:30. Are you available?



Richard T. Pledger, Esquire  
Wright, Constable & Skeen, LLP  
West Shore III Center  
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Suite 120  
Glen Allen, VA 23059  
Telephone: (804) 362-8293 (Main Line)  
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**From:** Ross Cook <rcook@stratacleanenergy.com>

**Sent:** Friday, September 3, 2021 6:09 PM

**To:** Richard T. Pledger <rpledger@wclaw.com>

**Cc:** Dozier, Monica Wilson <mdozier@bradley.com>; Antony L. Sanacory <asanacory@hlpwlaw.com>; Apostolidis, Peter <PApostolidis@archinsurance.com>

**Subject:** Re: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

Rich,

Thanks for your email. I'm available Tuesday afternoon 12:30pm-1:30pm. Please let me know if that works for you.

ARCH 00662

Ross

On Sep 3, 2021, at 9:52 AM, Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)> wrote:

**CAUTION:** [External email]

Ross:

I have received your email below. I certainly plan to respond, in writing, to both it and your letter of August 27, 2021 so please do not assume that I agree with all that you have set forth.

Are you available for a conference call or Zoom call this afternoon to discuss some logistics? I have a doctor's appointment early afternoon, but should be available at 3:00 ish. Please advise.



Richard T. Pledger, Esquire  
Wright, Constable & Skeen, LLP  
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---

**From:** Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)>

**Sent:** Thursday, September 2, 2021 3:21 PM

**To:** Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>

**Cc:** Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

**Importance:** High

Rich,

ARCH 00663

As you are aware, Strata has worked diligently to develop a plan for completion of Fall Line's

subcontract work at the Rochambeau site following the default by Fall Line. Strata has seen no substantive response plan from Arch Insurance since Strata's August 6 claim of the subcontract performance bond, and the civil work at Rochambeau has been effectively suspended on site since Fall Line's August 3 abandonment. Strata has requested Arch Insurance to engage since August 6 and we welcome and have invited Arch Insurance to be a part of this process, visit the Rochambeau site, and speak with our project team. This has not happened and there seems to be no definitive timeframe within which Arch Insurance will be able to provide a "prompt" response under the performance bond much less ensure completion of Fall Line's performance. We understand that you were not retained by Arch Insurance until August 17 which is why we're trying to provide you with all information up front as this is happening – we want Arch Insurance's input. Strata's invitation to Arch Insurance to be a part of this process and coordinate with our team remains open. We don't want to be in this position. But as we have said many times, Strata has an obligation to mitigate damages and we believe we are acting in every reasonable way possible to do that. We do not believe it is reasonable (or even feasible at this point given the critical schedule constraints of this project) to continue to await response at this point and not act.

As I indicated in my August 11 letter to Arch Insurance and stated in my August 27 letter to you and Arch Insurance, Strata completed an RFP the week of August 20 and received pricing from 3 bidders, 2 of whom we shortlisted for further review. We have considered all available options for completion of Fall Line's scope. Because no bidder alone will be able to support the project completion dates, the most viable option to minimize damages of Fall Line's default is to retain the 2 shortlisted subcontractors (Tindol Construction and Town and Country) for performance of work in parallel. We are working on planning and pricing negotiations as well as scope breakdowns between these 2 subcontractors. Today we have a meeting with James City County (JCC) and the project owner to review proposed plans moving forward. Strata has also retained a local civil firm, JSG, who is providing consulting services to interface with JCC. All documents from the RFP and the responsive bids were of course included in our sharefile to you.

Following today's meeting with JCC, Strata intends to move forward in negotiation of subcontracts with Tindol Construction to perform a portion of the basin work, and Town and Country for other basin work, grading, and road scopes. We expect we will need additional support for clearing and grubbing from K&B Clearing and stabilization with Ace Hydro Seeding.

Finally, in a further effort to minimize costs, Strata intends to provide all procurement of materials to support the basin installation, road installation, and erosion control.

By this email Strata again requests acknowledgement and concurrence from Arch Insurance to support the necessary approvals to advance this project. While I understand you may be continuing to review documents and beginning the surety's investigation, I trust you understand that we cannot pause civil construction indefinitely as it is critical path precedent scope to all other work and we already anticipate incurring liquidated damages (and delay claims from other subcontractors) from the Fall Line-caused delays. If Arch Insurance is not prepared to provide its response to our bond claim, please provide any direction and input you are able on the information provided to date and Strata's proposed plans for completion.

Please note the above costs do not account for acceleration or other costs that may be required to complete the project. We are diligently working to review and assess all other work that needs to be performed to complete Fall Line's scope, and to minimize claims and disruptions arising from Fall Line's default. Strata continues to document and maintain records of all costs associated with Fall Line's default and the necessary completion of Fall Line's scope. If you need any further information in addition to what we have already provided, please let us know.

Thanks,

Ross Cook  
Senior Associate Counsel

ARCH 00664



800 Taylor Street, Suite 200  
Durham, NC 27701  
O: 919-960-6015 x **216**  
E: [rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)

---

**From:** Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>  
**Sent:** Tuesday, August 31, 2021 7:58 PM  
**To:** Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)>  
**Cc:** Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>  
**Subject:** Re: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

**CAUTION:** [External email]

Ross:

I had surgery last Monday and just returned to the office after a challenging recovery. I will be turning to this tomorrow.

Sent from my iPhone

Richard T. Pledger, Esquire  
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On Aug 31, 2021, at 6:29 PM, Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)> wrote:

Rich,

I wanted to follow up with you on the status of the surety's review of this matter and its response to our request that the surety promptly take action to fulfil its obligations under the Bond. As we have discussed, and as stated in our prior correspondences, there is an urgent need to timely move the project forward and mitigate the delays and completion costs resulting from Fall Line's default. We are hoping to award the completion work to the potential replacement subcontractors (Tindol and Town and Country) this week to mitigate the resulting delays and minimize completion costs but have not heard back from the surety. As you are aware, each day of delay in mobilizing the replacement subcontractors to complete Fall Line's work is causing a day-for-day schedule impact at a minimum and will continue until the replacement subcontractors are hired and mobilized. Once again, we request the surety's prompt input and direction on potential replacement subcontractors. If you would like to discuss this matter or need any further information in addition to what we have already provided, please let us know.

Thanks,

Ross Cook  
Senior Associate Counsel  
<image001.png>  
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Durham, NC 27701  
O: 919-960-6015 x **216**  
E: [rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)

---

**From:** Ross Cook  
**Sent:** Friday, August 27, 2021 6:15 PM  
**To:** 'Richard T. Pledger' <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>  
**Cc:** 'Dozier, Monica Wilson' <[mdozier@bradley.com](mailto:mdozier@bradley.com)>  
**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

Rich,

In follow up to my email below, here is a Sharefile link to the documents/information requested: <https://stratasolar.sharefile.com/d-s8eca20a9bef04e73b729fd4e700a2457>

You will need to provide your name and email address to access the documents. Please let me know if you have any issues accessing the documents.

Thanks,

Ross Cook  
Senior Associate Counsel  
<image001.png>  
800 Taylor Street, Suite 200  
Durham, NC 27701

---

**From:** Ross Cook  
**Sent:** Friday, August 27, 2021 4:18 PM  
**To:** Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>  
**Cc:** Antony L. Sanacory <[asanacory@hlpwlaw.com](mailto:asanacory@hlpwlaw.com)>; [papostolidis@archinsurance.com](mailto:papostolidis@archinsurance.com); [rpounds@flcofga.com](mailto:rpounds@flcofga.com); Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>  
**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

Rich,

Please see the attached letter with enclosures in response to your August 20, 2021 letter. I will be sending you another email with a Sharefile link to the documents/information requested. Thank you in advance for your prompt attention to this matter. If you have any questions, please let me know.

Thanks,

Ross Cook  
Senior Associate Counsel  
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Durham, NC 27701  
O: 919-960-6015 x **216**  
E: [rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)

---

**From:** Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>  
**Sent:** Friday, August 20, 2021 4:29 PM  
**To:** Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>  
**Cc:** Antony L. Sanacory <[asanacory@hlpwlaw.com](mailto:asanacory@hlpwlaw.com)>  
**Subject:** Rochambeau Solar Project - Strata Clean Energy, LLC and Fall Line Construction, LLC  
**Importance:** High

**CAUTION:** [External email]

Ross and Monica:

Please see the attached letter and list of documents/information requested.

Should you have any questions or comments, please do not hesitate to contact me.

<image002.j  
pg>              **i** Richard T. Pledger, Esquire  
                    **m** Wright, Constable & Skeen, LLP  
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# Wright, Constable & Skeen, L.L.P. | Attorneys at Law

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RICHARD T. PLEDGER, ESQUIRE  
Direct Dial: (804) 362-9531  
Email: [rpledger@wclaw.com](mailto:rpledger@wclaw.com)

August 23, 2021

Via U.S. Mail and Email to  
[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)

Ross Cook, Esquire  
Senior Associate Counsel  
STRATA CLEAN ENERGY, LLC  
800 Taylor Street, Suite 200  
Durham, NC 27701

Via U.S. Mail and Email to  
[mdozier@bradley.com](mailto:mdozier@bradley.com)

Monica Wilson Dozier, Esquire  
BRADLEY ARANT BOULT CUMMINGS, LLP  
Truist Center  
214 North Tryon Street  
Suite 3700  
Charlotte, NC 28202

Project: Rochambeau Solar Project  
Obligee: Strata Solar, LLC  
Principal: Fall Line Construction, LLC  
Bond No.: SU 1162164

Dear Monica and Ross:

As we discussed on August 18, 2021, and as Ross will recall from my introductory email on August 16, 2021, I represent Arch Insurance Company (“Arch”), the subcontract bond surety for Fall Line Construction, LLC (“Fall Line”). As you know, Arch issued its Subcontract Performance Bond naming Fall Line as its principal and Strata Solar, LLC as its obligee.<sup>1</sup>

I have received and reviewed a copy of the letter dated August 6, 2021 which Ross sent to Arch advising that Fall Line was declared in default on August 5, 2021 and requesting that it promptly remedy the default or take other action as specified in ¶ 4 of the Subcontract Performance Bond. The letter suggests that Fall Line has (1) repeatedly failed to perform the work, (2) disregarded required safety procedures, (3) procured incorrect materials, (4) performed

<sup>1</sup> I wish to confirm receipt of the copy of the November 4, 2020 Engineering, Procurement, and Construction Subcontract Agreement (the “Subcontract”) which Ross sent to me on August 16, 2021. I see that the Subcontract is between Strata Solar, LLC and Fall Line, but see that the performance bond claim is being asserted by Strata Clean Energy, LLC. I can only assume that Strata Solar, LLC is a predecessor in interest to Strata Clean Energy, LLC the entity which is asserting the claim. If I am incorrect, please so advise. Based upon that assumption, I will refer to both entities as “Strata Clean Energy.”

Ross Cook, Esquire  
Monica Wilson Dozier, Esquire  
August 23, 2021

Page 2

poor quality work, (5) failed to pay its sub-subcontractors and materialmen, and (6) provided inadequate labor forces. As you know, Fall Line takes significant issue with Strata Clean Energy's position.

The August 6, 2021 letter also advises that, if Arch fails to take action or denies liability in whole or in part, Strata Clean Energy will be forced to take action under § 17.2.2 of the Subcontract which includes the right, among other things, to suspend Fall Line's performance, hire completion subcontractors and terminate Fall Line for default. It appears from some of the correspondence that Strata Clean Energy suspended Fall Line before the August 6, 2021 notice of default and certainly well before Arch has had an opportunity to investigate and decide how it wishes to proceed. In addition, as you advised during our telephone conference on August 16, 2021, Strata Clean Energy has already sought bids from potential completion contractors, expected bid results yesterday and anticipates awarding a completion contract early next week. I understand Strata Clean Energy has not terminated the Subcontract with Fall Line and was advised that it does not plan to do so until after Arch determines how it wishes to proceed.

It is not clear to me how Strata Clean Energy can expect Arch, which received a notice of default short of two weeks ago, to conduct a complete investigation and determine precisely how it wishes to proceed, especially in light of the fact that the issues between Strata Clean Energy and Fall Line are disputed and contentious. In any event, as we discussed, I have put together the attached list of documents and information needed in order for Arch to review Strata Clean Energy's performance bond claim.

I look forward to receiving the information and documents requested. If you believe there is other documentation and/or information not specifically requested that will assist Arch in the review of this matter, please provide it. Arch reserves the right to request additional information as the investigation proceeds.

Please note that this letter is sent to you for investigatory purposes only, and should not be construed by you or Strata Clean Energy as an admission of liability or a promise to perform or pay the claim. In addition, please be advised the Arch reserves any and all rights it may possess under the Contract Documents, the bond and the law.

Ross Cook, Esquire  
Monica Wilson Dozier, Esquire  
August 23, 2021

Page 3

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

Richard T. Pledger

cc: Peter Apostolidis  
*Arch Insurance Company*  
Antony L. Sanacory, Esquire  
*Counsel for Fall Line Construction, LLC*

Enclosure  
RTP/